App F II 4

1946 47 (mmml)

File No 41-46

Serial Nos 68 69

Previous References
Mmml 1-43-7
6-33 (1-3)

Later References
mml 41-46 (80 81)

GENERAL AND REVENUE SECRETARIAT

Serial No. Two

Part B for Mavelikara

SUBJECT

Allocation of decline leads in the fish and ii no Diversions in Shimoga town in Connection with the Genl ~~Elections~~ Reconstitution of mml Council

from 1.5 47
L126 42 & 17.3.47
to

the Dte Shimoga.

States that no valid grounds exist ~~for the~~ to interfere with the —

VR

6335

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L 9241 — ME 41-46-38

General and Revenue Secretariat,

Dated Bangalore, 30th October 1943.

NOTIFICATION

~~With reference~~

With reference to Notification No.L.2263/41.80-45-2 dated 8th August 1943 and under Sections 9, 10 and 15 of the Mysore Town Municipalities Act, 1933, and the rules framed thereunder, the Town Municipal Council of Challakere shall be constituted as follows, for a period of three years commencing from 1st January 1944:—

1. Elected Councillors.

1. Mr. Gabbur Hurigeppa
2. " C.S.Lakshminarayana
3. " B. Nagarathna Rao
4. " T.S. Hurigeppa
5. " H.B. Hallappa
6. " G. Subbaraya Setty
7. " Syed Raheem Sab
8. " K. Venkataramanna Shastry
9. " G. Mura Naik
10. " Hajjige Veerabhadrappa
11. " C.M. Musa Sab
12. " Abdul Hamid Sab
13. " B. Venkatesan
14. " Channagiri Ramappa
15. " Rajanna Arish

2. Nominated Councillors.

1. " D.J. Krishna Reddy
2. " Pujari Challakeregppa
3. " K. Jayarampa

3. Ex-officio Councillors.

1. The Medical Officer in charge of L.F. Hospital, Challakere
2. The Senior Officer of the P. W. D. in Challakere Taluk

2. Under section 22(2)(b) of the said Act, the Amildar of the Challakere Taluk is appointed the ex-officio President of the Municipal Council and under the proviso to Section 9(2) thereof he shall be an additional councillor.

By Order,

Secretary to Government,
Revenue Department

To.-
The Compiler, Mysore Gazette, for publication in Part III-3 of the Gazette and supply of 10 copies thereof to the Secretariat and to the Deputy Commissioner, Chitaldrug District.

1 (P)/13

6335
L

Letter no M3 1754/46-47 8/12-2-47 from the Dy Commr, Shimoga Dt, forwarding an original letter addressed to Govt by the Pdt, Town mc cl, Shimoga resenting the orders of the Dy Commr, Shimoga Dt in regard to the allocation of Elective seats in the I & II Divisions in connection with the existing general Reconstitution of the mc cl from 1-5-47 and recommending that the mc cl may be intimated that there are no grounds for bestowing any special consideration on the perverse attitude adopted by the mc cl.

1 Under rule 2(1) of the Rules relating to the election of members to the town mc cls the Dy Commr is empowered to divide the mcp for electoral purposes into as many divisions as may be necessary, the boundaries of which shall be clearly defined, and when such a division has been made, he shall fix the number of Councillors to be elected in each Division so that every Division shall be adequately represented by election

2 The Shimoga Town mcp has been divided into 4 Divisions and the no of seats allotted to each Division is as follows -

Division	I	4	seats
	II	4	"
"	III	4	"
"	IV	3	"
	Total	15	

3 On the representation received from the Voters in the I & IV Divisions requesting that a fair representation of elective seats may be given to the Divisions in proportion to the strength of Voters in each division as per the current Voters list, H/

~~The~~ question was examined in detail by the Dy Commr having regard to the number of Voters in each division & the income derived from each division ~~over the following~~ seats were assigned to each as noted below

Division	I	5 seats
"	II	3 "
"	III	4 "
"	IV	3 "
	Total	15

4 The allocation of seats as existed and as now allocated are as noted below:—

		As existing	As altered
Division	I	4 seats	5 seats
"	II	4 "	3 seats
"	III	4 "	4 "
"	IV	3 "	3 "

5 From the above it is seen that one seat has been taken away from Division II and given to Division I

6. The reassignment of seats in the ~~four~~ Divisions was communicated to the Returning Officer for taking necessary action in connection with the reconstitution of the ~~Municipal~~ Municipal Council with effect from 1-5-47

7 The Shimoga town municipal Council have resented the order of the Dy Commr on the ground that they were not consulted ~~before~~ in the matter The Govt has forwarded a copy of the resolution of the municipal Council to Govt through the Dy Commr for taking

such further action as may be deemed necessary in the matter

8 The Dy Commr further states that it is the wish of some interested persons to have the term of the Council extended and recommends that a reply may be given to say that there are no good grounds for any special consideration-

9 subject for orders According to the Calendar the election is fixed to be held on 2-4-47

KHS 17/2

10 The detailed report received from the D.C Shimoga with is for perusal

11 Hence given containing reasons in support of his action in having re-allocated the elective seats among the four Divisions in the Shimoga Taluk -in the manner he has ordered

Hop 8

An application addressed to the Minister for Revenue protesting against the resolution of the Council in not agreeing to the re-allocation of seats by the D.C is put up below

12 In the light of the facts stated by the D.C his proposal to veto

6335 V Com

The resolution of the M C C

dated 24/11/47 to the effect that the
wider of the D.C. in regard to the allocation of seats
as may be approved and the Secretary
Tumkur requested that the Govt see no
reason to interfere with the orders
on the subject

for orders

reversed 28/2/48

The allocation of elective
seats by the D C appears to be
fair and equitable judged by the
number of voters in the 11 divisions and the amount
of taxes contributed by the
two divisions. The Municipal
Council may perhaps be
informed that no valid grounds
exist for interfering with
the orders of the D C

Minister for Rev & Com

7/3

8/3/47

Draft letter to the Deputy Secretary Govt
Municipal Council through the Dy Commr for issue

11/3.

Dy Secy attempt

11/3

OFFICE OF THE MI
FOR REVENUE
No 2254
Dated 8/3/1947

TYPING SECTION
12 MAR 1947

6642/L

To
The Dc - Shimoga Dt-
No L 12642/ml-41-46-69 Dt 17 3 69
approves the proposal

B- 17 3 69

6642/2

petition from the Residents of the 1st Division of the Shimoga Town Municipality to the Member for Rev & Com Requesting more Convenient formation of Municipal divisions in the town and an equitable distribution of the seat in the Municipal Council among the divisions

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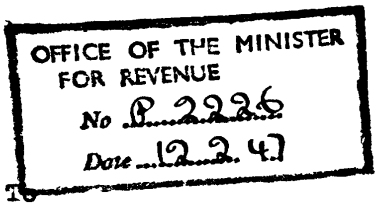
The petition is for perusal & for orders if the petition may be forwarded to the Deputy Commissioner, Shimoga district for needful action

No 22/2 Is not a report received from D.C Shimoga on the subject? Pl put it up

No Report has been Received from the D C Shimoga Yet on the Subject

No 26/2 The report has been received & is worked upon by me K-ks please give it to me for being included in that file

Regd Post 66/42



To

The Minister of Town Municipalities in Mysore,

BANGALORE

Sir,

We, the residents of the First Division of the Shimoga town Municipality, beg leave to state as follows in reply to the resolution said to have been passed by the Municipal Council on 24-1-1947 in respect of the order that has been passed by the Deputy Commissioner on the petitions presented to him by some of the residents of this town on the necessity for a fairer distribution of seats among the Divisions in this town

It was only recently that the Municipal Authorities published their calander and Voters list for the coming elections and as soon as it was made available to the public the Deputy Commissioner was approached, as stated above, by the residents of the I and IV Divisions The First Division consisting of about 1300 voters had the right of returning, only four members to the Municipal Council, while Divisions like the II and III having only about 610 and 710 voters respectively, half the voting strength of the I Division, had an equal right of returning four members to it and the IV Division, though having the same voting strength as that of the II, could only return three members

In the face of this unfair and unequal distribution of seats among the municipal divisions in the town and in the face of the Municipality not proposing or bringing any other fair proposals in time the only course left open to the citizens was to approach the Deputy Commissioner in this matter and get their wrongs righted It was up to the Municipal Council to have proposed and brought in time fair and just proposals for acceptance by the Authorities concerned

and not woefully sleep and criminally neglect over its duties in this matter so far and now plead for time involving needless dislocation of the calander for election proposed by itself and unnecessary extension of the life of the old Council

In the circumstances the Deputy Commissioner had to act promptly and has acted in the matter in the only way possible The I Division was entitled to six seats, considered not only from the point of view of its voting strength but also from the point of view of the area covered by it, the incidence and the amount of taxes collected in and through it The Deputy Commissioner has by his present action of taking one seat from the smallest II Division,-- a course and the only course left open to him to do in view of the protest entered by the residents of the IV Division against the II--and giving it to the I has done only partial justice to the residents of this Division To render full justice to the citizens of the I Division he ought to have taken away a seat more from the III Division and given it to this Division

Thus it is clear that the resolution passed by the Municipal Council has no legs to stand upon, cannot be supported on any ground of reason, justice or equity and is in fact against the interests of a large class of its citizens. The Municipal Council by passing a resolution of this kind has only stultified and condemned itself and has demonstrated that it can no longer serve the interests of its residents squarely and fairly and it was time it came to an end, if not immediately, at least at the proper time The present Municipal Council, dominated as it is at present by the Congress junta and clique and bound by its party mandate, has once more proved by passing a resolution of this nature, that it is not proper to man civic institution with juntas or cliques, congress or otherwise, which

take decisions not on merits but swayed by considerations of party interest and prestige For, the only reason one can think of for the present Congress dominated Municipal Council to pass the above said resolution is perhaps its disappointment at losing one valuable seat in its strong-hold, the II Division, and its further chagrin that it has gone to the I, where it has met its waterloo several times

In fine we have no hesitation in requesting you, Sir, to reject the unjust resolution of the present Municipal Council and in ordering further, that the Municipal Council, as soon as it is newly formed, may take up the question of forming more convenient Divisions for the town and distributing seats fairly

We beg to remain,
Sir,
Yours very truly,

Shimoga,
Dated

Mustabeen Khan

S. L. T. Mark of Mayanna

Mohamed Ghouse

Syed Shakeer

K Hanumantha Rao

K Bhavani Raj

N Veeraiah.

P T M of Abdull Rehaman

P T M of Sheik Mahemood Sab

M Abdul Subhan

No. 3475A/C-47
Revenue Records

Office of the Deputy Commissioner,
Shimoga District
Shimoga, Dated 12th February 1947

ML 41-46-68

REVENUE SECRETARIAT 6335 14 FEB 1947 LSG BRANCH

To

The Secretary to Government,
Revenue Department,
Bangalore

Subject - Re allocation of Elective Seats in the I and II Divisions in Shimoga Town in connection with the ensuing General Reconstitution of the Municipal Council from 1st May 1947

In continuation of this office Confidential letter No. C-16/C-47 dated 20th January 1947 addressed to you by the Permanent Town Municipal Council, Shimoga on the subject noted above, I have the honour to state as follows :-

At the time of the re-constitution of Shimoga Town Municipal Council for a period of three years from 1st May 1941, the elective seats of the several divisions were fixed as detailed below-Vide this Office Memo No. 3 D Dis 2371/C-41 dated 2/2-41 (Copy enclosed in the records for reference)

Division	Population as per tentative figures of the census 1941	No. of Voters in the Division	No. of seats assigned
I Div	8752	283	4
II Div	4304	643	4
III Div	8828	640	4
IV Div	4396	546	3

It may to be stated in this connection that the assigned allocation of elective seats noted above as in force at the time of reconstitution of the Municipal Council from 1st Jan 1944

-2-

"S" As the term of the present Constitution of the Municipal Council expires on the 30th April 1947, the Chief Officer, who is the Returning Officer of the Municipality took action for the reconstitution of the Municipal Council with effect from 1st June 1947, by publishing the Calendar of events under rules. According to this calendar, the election is fixed to be held on 2-4-1947

"T"

"U" In the meanwhile, two petitions are received in the Office on the 13th January 1947 from the residents and voters of the Ward IV Division stating that these two Divisions might be given full representation in proportion to the strength of voters in each Division as per the current Voters' List

After examining the question with reference to the un-official note dated 15-1-47 furnished by the Municipal President and with in virtue of the powers vested in the Vice Rule issued by Government in Government Order No L 1194/ MI 86-6-33-1 dated 11-8-1933 regulating the election of Members and empowering the Deputy Commissioner to fix the elective strength of the Municipal Councillors, the existing elective seats were re-assigned as detailed below in respect of the following Divisions as already recommended in the letter addressed to the Returning Officer, Shimoga for their guidance

Name of Division	No of Voters in the Division as per current Voters' List	No of elective Seats
I Division	1362	5
II Division Petta	613	3
III Division Fort	761	4
IV Division Dwelling	613	3

"X" A copy of the Official Memorandum No I 3 C 1754/AC-47 dated 17th January 1947 issued in the above connection is forwarded herewith for facts of reference

The above orders which were communicated to the Municipal President, were considered by the Municipal Council at their meeting held on ~~Sat~~ 24-1-47 when a resolution was passed to the effect that the Municipal Council, Shillong regrets the action taken by the Deputy Commissioner in not taking the opinion of the Municipal Council before - ordering the re-assignment of the elective seats of the - Special Divisions and requests further that the seats may be reclaimed suitably, extending if necessary the term of the Municipal Council by one or two months, and that if this is not possible the order dated 17-1-47 passed by the Deputy Commissioner may be reconsidered and the ensuing elections be ordered to be held as proposed before passing of the order (Vide resolution copy enclosed for reference)

"Y"

In general, that the attitude taken by the Municipal Council is entirely justified and not supported either by the rules or by the voting strength of town as in the different Divisions of the Town or by the size of the Divisions The reasons for this conclusion are as follows -

"W" 1 The Deputy Commissioner is empowered to make alterations in regard to the Divisions of the municipality for electoral purposes ~~and~~ under Section 2(1) of the Town - Municipal Election Rules He is not bound to consult the Municipal Council and in fact considering these the existing members may have special interests in the proceedings to be followed, it appears undesirable to consult the existing Municipal Council on proposals for future reconstitution However I have shown special reference to the Municipal

Municipal Council [illegible] the [illegible] Municipal [illegible] them who petition is on record [illegible] could have completed his council [illegible] if he wanted to [illegible] occasion in 1941 [illegible] consideration, no resolution of the Municipal Council was called for [illegible] was [illegible] by the Deputy Commissioner (Para 3). In these circumstances there is no question of [illegible] interfering with the discretion vested in the Deputy Commissioner by the rules.

2. Even otherwise the reallocation is justified on all other considerations. The following statement shows the number of voters in 1941 and now:

Name of Division	No. of voters in 1941	No. of Wards in 1941	No. of Wards in 1947
1st Div.	999	1st	1399
2nd Div.	643	IInd	917
3rd Div.	646	IIIrd	701
4th Div.	546	IVth	913

It will be seen from this that the number of voters in the I Division is double that of the II Division. It was therefore proposed to reallocate one ward from the II Division to I Division. As a matter of fact, this is a matter in which the Municipality itself should have come forward with an equitable readjustment. It is strange on the part of the Municipality to find that the Municipality seeks to protect itself against the rectification of an inequitable state of affairs.

Some of the members of the Municipal Council feel that the Second Division will be benefited by the proposed reallocation and therefore no special consideration should be shown to it. I therefore called for statements showing the actual income, under several heads, in

B/1

to ce in each Division The statement is enclosed herewith It is seen that the First Division pays a larger amount xxxx than the II Division The I Division pays Rs 18,646-15-6 by way of different taxes while the II Division pays only 15,059-1-0 Even this argument therefore does not hold good

It is unfortunate that the Municipality should have come under the influence of vested interests in the matter and should have adopted tactics which will prevent fair electoral Divisions As a matter of fact, a numerously signed petition has been received protesting against the reconstitution of the existing electoral areas, by the Voters of the I Division of the Shiyali Municipality in which their point of view is clearly set-forth The Municipal Councils' aim on the contrary seems to be to have its tenure extended under this pretext, concession which is by no means warranted either on grounds of equity or on the record of work of this Council

"S1"

There are therefore no grounds whatever for bestowing any special consideration on the reactionary attitude adopted by the Municipal Council, and I would recommend that the Municipal Council may be instructed accordingly

I have the honour to be,
Sir,
Your most obedient servant,

1912

Deputy Commissioner,
Shiyali District

mm

No C4-16/46-47
Encls nil

OFFICE OF THE PRESIDENT
TOWN MUNICIPAL COUNCIL

Shimoga Dated 25th January 1947
30

From

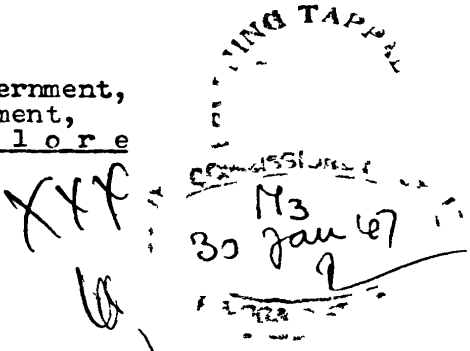
The President
Town Municipal Council
SHIMOGA

To

The Secretary to the Government,
Revenue Department,
Bangalore

Through

The Deputy Commissioner,
Shimoga District,
SHIMOGA



Sir,

I have the honour to forward herewith copy of my letter No. C4-16/46-47 dated 25-1-47 addressed to the Deputy Commissioner Shimoga District, together with a copy of the resolution of the Municipal Council respecting the orders of the Deputy Commissioner, regarding the re-allocation of elective seats in the I Division and II Divisions at a time when the voters' lists of the Divisions have been published and request you kindly to advise the Deputy Commissioner to reconsider his orders or accord sanction to the points urged in the resolution of the Municipal Council

Early orders are solicited

I have the honour to be,
Sir,
Your most obedient servant,

President,
Town Municipal Council,
Shimoga

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 12642/ML 41-46-69 Dated Bangalore 17/3/47

No L 12642
ML 41-46-69
17/3/47

To
The Dc - Shimoga Dh

Subject Allocation of elective Seats on the 1st and 2nd division in Shimoga Town in connection with the ensuing general Reconstitution of the Municipal Council from 1 5 47.

Sir,

With reference to your letter No M_3 e 1754/46 47 dated 12 2 47 on the above subject, I am directed to state that the Reallocation of elective Seats as between the 1st and the 2nd divisions in Shimoga Town ordered in your ~~letter~~ O M No M_3 e 1754/46 47 of 17 1 47 is fair and equitable, judged by the number of voters in the

Respective shares and the amount of tax contributed by each in the circumstances, no valid grounds exist to interfere with the reallocation already made by you and the Municipal Council may be informed accordingly.

2. The records are enclosed

I have the
honour to be
Sir
Your most obedient
servant
Sd/-
1-11-73

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 12642/M 41-46-69 *Dated Bangalore,* 17/3/47

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore
Revenue Department

To

The Deputy Commissioner,
Shimoga District,
Shimoga

Sir,

SUBJECT:- Allocation of elective seats in the 1st and 2nd divisions in Shimoga Town in connection with the ensuing general re-constitution of the Municipal Council from 1st May 1947

With reference to your letter No M3 e 1754/46-47 dated 12th February 1947 on the above subject, I am directed to state that the reallocation of elective seats as between the 1st and 2nd divisions in Shimoga Town Municipality, ordered in your O M No M3 e 1754/46-47 dated 17-1-1947 is fair and equitable, judged by the number of voters in the respective divisions and the amount of tax contributed by each In the circumstances, no valid grounds exist to interfere with the re-allocation already made by you and the Municipal Council may be informed accordingly

The records accompany

I have the honour to be,
Sir,
Your most obedient servant,

for Secretary to Government,
Revenue Department

TVR 2.